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May 15, 2025

VIA CM/ECF & REGULAR MAIL

The Honorable Christine P. O'Hearn, USDJ  
United State District Court, District of New Jersey  
Mitchell H. Cohen Building & US Courthouse  
4<sup>th</sup> & Cooper Streets  
Camden, New Jersey 08101

**RE: Christopher Leary v. Egg Harbor Township Police Dept., et al.**  
**Docket No.: 1:23-cv-04070 (JHR/SAK)**

Dear Judge O'Hearn:

As the Court is aware, this office represents the Defendants, Egg Harbor Township Police Department, The Township of Egg Harbor, Michael Hughes, and Donna L. Markulic (hereinafter referred together as "Township Defendants") with respect the above referenced matter. Currently Township Defendants have a pending Motion to Dismiss Plaintiff's Second Complaint. *See* CM/ECF Doc. No.87. As it stands, no determinations have been made on this motion and no return date has been set. However, on April 28, 2025, Plaintiff refiled a Motion for Partial Summary Judgment (CM/ECF Doc. No. 118), that has been assigned a return date of June 2, 2025 with responses being due by May 19, 2025.

Please accept this letter in lieu of a more formal request to stay the timelines related to Plaintiff's refiled Motion for Summary Judgment until the Motion to Dismiss is decided for the sake of judicial economy and efficiency. If it is determined by this Court that Plaintiff's Second Amended Complaint is dismissed, in whole or in part, including the subject matter of Plaintiff's pending motion, then filing responsive pleadings on behalf of the Township Defendants would be moot.

As of the date/time of this filing, Plaintiff's counsel does not consent to this request. However, procedurally the Court already entered a Text Order on April 14, 2025 indicating that the

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Court may stay Plaintiff's motion until the Court makes a determination on the Township Defendant's pending motion to dismiss. CM/ECF 4/11/25 Text Order.

If the Court is not inclined to grant the foregoing extension, please accept this letter in lieu of a more formal submission as Township Defendants' request for an extension pursuant to L.Civ.R. 7.1(d)(5) to respond to Plaintiff's refiled Motion for Summary Judgment. CM/ECF Doc. No. 118. This extension would adjourn the proposed June 2, 2025 motion date to June 16, 2025, with Township Defendants' response being filed on or before June 2, 2025. The Clerk of Court is being copied on this correspondence to consider this request pursuant to L.Civ.R. 7.1(d)(5).

Should Your Honor need anything further from the Township Defendants in order to effectuate this request, please advise of the same and my office can facilitate a conference call amongst the parties. Thank you for your anticipated time and consideration in this matter.

Respectfully submitted,

/s/ Kyle Weinberg  
Kyle D. Weinberg, Esquire

cc: The Honorable Sharon A. King, USMJ (via Regular Mail)  
Melissa E. Rhoads, Esquire Clerk of Court (via Regular Mail)  
Counsel of Record (via CM/ECF)